



169.

612.36255X00  
4130/BA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Marc FLEURY et al  
Serial No.: 09/083,180  
Filed: May 22, 1998  
For: IMPROVED DEVICE FOR MEASURING  
PHYSICAL CHARACTERISTICS OF  
A POROUS SAMPLE  
Art Unit: To Be Assigned  
Examiner:

**PETITION FOR EXPEDITED CONSIDERATION OF  
AUGUST 5, 1999 RESPONSE TO NOTICE OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 7, 2005

Sir:

On August 5, 1999, Applicants submitted a Response to Notice of Abandonment. A copy is enclosed including the post card receipt of the United States Patent and Trademark Office dated August 7, 1998 showing a Response to Notice to File Missing Parts.

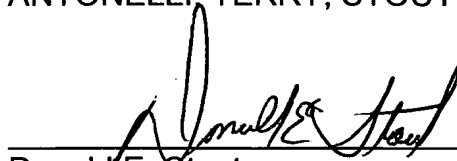
The U.S. PTO has not properly considered the August 5, 1999 Request. Applicants request expedited consideration to reinstate this application to pending status.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (612.36255X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read "Donald E. Stout", is written over a horizontal line.

Donald E. Stout  
Registration No. 26,422  
(703) 312-6600

Attachments

DES:dlh



612.36255X00

4130/JC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Marc FLEURY et al  
Serial No.: 08/083,180  
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CHARACTERISTICS OF A POROUS SAMPLE  
Attn: Customer Service Center  
Initial Patent Examination Division

RESPONSE TO NOTICE OF ABANDONMENT

Assistant Commissioner  
for Patents  
Washington, D. C. 20231

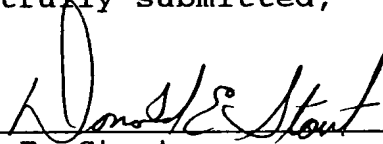
August 5, 1999

Sir:

In response to the Notice of Abandonment mailed July 9, 1999, attached hereto is a copy of Applicants' original Response to Notice to File Missing Parts of Application mailed August 7, 1998 in connection with the above-identified application, Applicants filed therewith an executed Declaration and Power of Attorney for Patent Application in compliance with 37 C.F.R. §1.63. In addition, Applicants submitted a check for \$130.00 to cover the surcharge for the filing of the belated Declaration in accordance with 37 C.F.R. §1.16(e). Also enclosed herewith is a copy of the post card receipt.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (612.36255X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



---

Donald E. Stout  
Registration No. 26,422  
ANTONELLI, TERRY, STOUT & KRAUS, LLP

Attachments

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.: 08/083,180  
Filed: May 22, 1998  
For: IMPROVED DEVICE FOR MEASURING PHYSICAL  
CHARACTERISTICS OF A POROUS SAMPLE  
Attn: Customer Service Center  
Initial Patent Examination Division

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION -  
SUBMISSION OF LATE DECLARATION**

Assistant Commissioner  
for Patents  
Washington, D. C. 20231

August 7, 1998

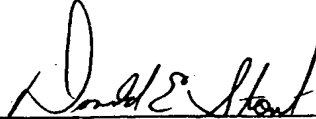
Sir:

In response to the Notice to File Missing Parts of Application dated June 9, 1998 in connection with the above-identified application, Applicants are filing herewith an executed Declaration and Power of Attorney for Patent Application in compliance with 37 C.F.R. §1.63. In addition, Applicants are also submitting a check for \$130.00 to cover the surcharge for the filing of the belated Declaration in accordance with 37 C.F.R. §1.16(e).

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this

paper, including extension of time fees, to Deposit Account  
No. 01-2135 (612.36255X00) and please credit any excess fees  
to such deposit account.

Respectfully submitted,



---

Donald E. Stout  
Registration No. 26,422  
ANTONELLI, TERRY, STOUT & KRAUS, LLP

Attachments

DES:dlh



Patent ☒ Trademark ☐ 612.36255X00  
Serial No. 09/083,180 Filed May 22, 1998

Applicant(s) Marc FLEURY et al

Papers filed herewith on August 7, 1998

☒ Fees \$ 170.00 ☒ Assignment (2 pgs.) \$ 40.00  
☐ New Application ☐ Letter to Draftsman  
☐ Amendment ☐ Priority Documents AUG 07 1998  
☐ Notice of Appeal ☐ Petition for Ext. of Time  
☐ Appeal Brief ☐        Sheets of Formal Drawing  
☒ Other Response to Notice to File Missing Parts,  
and Late Declaration (copy of Notice) (5 pgs.)  
(130.00), and Information Disclosure Statement,  
1449 Fr. Srch Rept., Trans. (7 pgs.) & 2 EPO  
& 2 U.S. Refs.

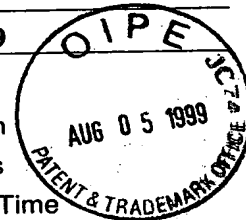
Receipt is hereby acknowledged of the papers filed as indicated in connection with above identified case.  
COMMISSIONER OF PATENTS AND TRADEMARKS

8/9/98

8/12/98



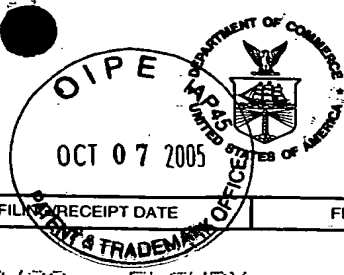
Patent ☒ Trademark ☐ 612.36255X00  
Serial No. 08/083,180 Filed May 22, 1998  
Applicant(s) Marc FLEURY et al  
Papers filed herewith on August 5, 1999  
☐ Fees \$0.00 ☐ Assignment  
☐ New Application ☐ Letter to Draftsman  
☐ Amendment ☐ Priority Documents  
☐ Notice of Appeal ☐ Petition for Ext. of Time  
☐ Appeal Brief ☐        Sheets of Formal Drawings  
☒ Other Response to Notice of Abandonment,  
Copy of 8/7/98 Post Card, Copy of 8/7/98  
Response to Notice to File Missing Parts & Lt.  
Declaration, (copy of Not. of Aband.) (9 pgs.)



Receipt is hereby acknowledged of the papers filed as indicated in connection with above identified case.  
COMMISSIONER OF PATENTS AND TRADEMARKS

(DES/ALLA)





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

|                    |                     |                       |                           |
|--------------------|---------------------|-----------------------|---------------------------|
| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|

09/083,180 05/22/98 FLEURY

M 612.36255X00

020457 0212/0709  
ANTONELLI TERRY STOUT AND KRAUS  
SUITE 1800  
1300 NORTH SEVENTEENTH STREET  
ARLINGTON VA 22209

612-36255X00  
NOT ASSIGNED

oleet filed 8/7/98

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DATE MAILED: 7/9

oles  
07/09/99

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) or (g)**  
**(Filing Date Granted)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on JUNE 9, 1998.

- ☒ No reply was received.
- ☐ The reply received on \_\_\_\_\_ was untimely.
- ☐ The reply received on \_\_\_\_\_ was improper. The reply did not include:
- ☐ 1. The surcharge under 37 CFR 1.16(e) required for filing the basic filing fee or oath or declaration on a date later than the filing date of a nonprovisional application.
  - ☐ 2. The surcharge under 37 CFR 1.16(i) required for filing the basic filing fee or cover sheet on a date later than the filing date of a provisional application.
  - ☐ 3. The full amount of the basic filing fee under 37 CFR 1.16 (a), (f), (g), (k).  
(Note: A nonprovisional application may not be relied on for benefits under 35 U.S.C. 120 and 37 CFR 1.78 unless the processing and retention fee set forth in 37 CFR 1.21(l) is paid within the one year period set forth in 37 CFR 1.53(f). A provisional application may not be relied on for benefits under 35 U.S.C. 119(e) and 37 CFR 1.78 unless the basic filing fee is paid).
  - ☐ 4. The oath or declaration of all the inventors required under 37 CFR 1.63 for this nonprovisional application.
- ☐ The letter of Express Abandonment filed on \_\_\_\_\_ is acknowledged.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

C. Barnes  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2-COPY TO BE RETURNED WITH RESPONSE